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OF ORIGINAL FILED  
Los Angeles Superior Court

**OCT 12 2018**

Sherri R. Carter, Executive Officer/clerk

By Shaunya Bolden, Deputy

**NO FEE – GOV'T CODE § 6103**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

EXECUTIVE INVESTMENTS, INC., a California  
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. **18STCV00476**

**COMPLAINT FOR ABATEMENT AND  
INJUNCTION**

[CIVIL CODE SECTION 3479, *ET*  
SEQ.; BUS. & PROF. CODE SECTION  
17200, *ET* SEQ.]

(Unlimited Action)

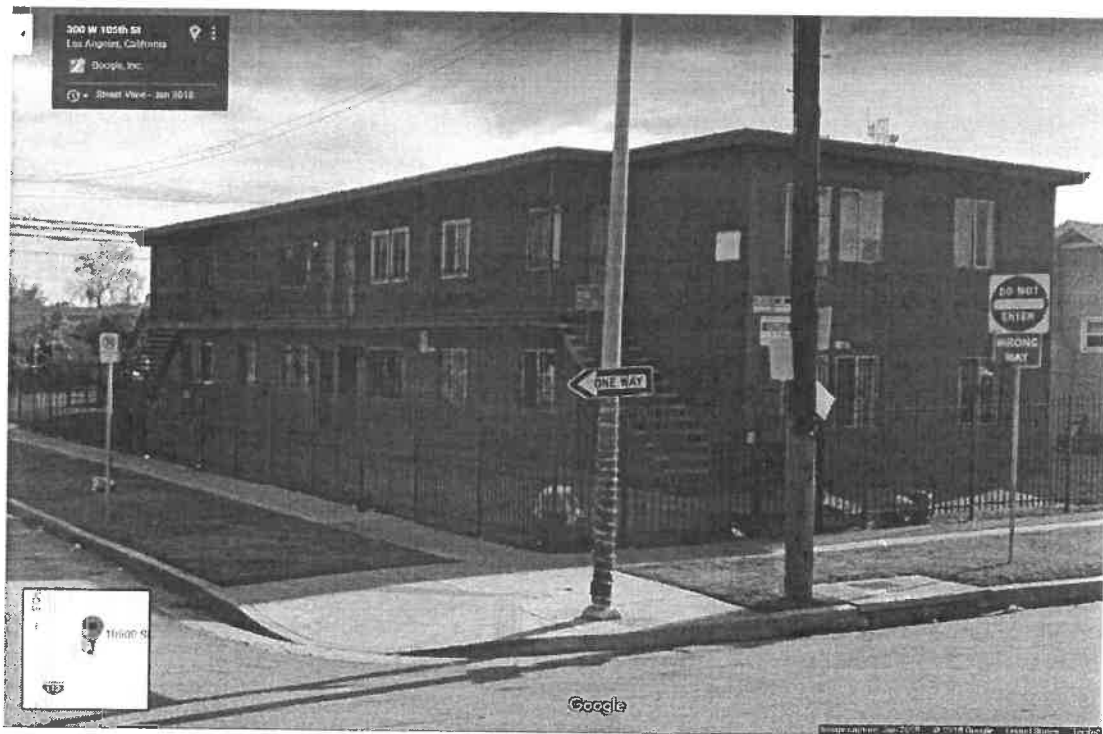
PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

**I. INTRODUCTION**

1. Plaintiff, the People of the State of California, brings this action to abate a dangerous and volatile gang-related public nuisance existing at an eight-unit apartment building located at 10500 S. Broadway, Los Angeles, California 90003 (hereinafter the "Property") in South Los Angeles. Defendant, Executive Investments, Inc., is a sophisticated real estate investment firm that owns and operates the Property, along with at least two dozen other properties in its Los Angeles real estate portfolio. Plaintiff brings this action pursuant to: (1) the Public Nuisance Law ("PNL"), California Civil Code section 3479, *et seq.*; and (2) the

1 Unfair Competition Law ("UCL"), California Business and Professions Code section 17200, *et*  
2 *seq.*

3         2.       The Property is located on the southwest corner of W. 105th Street & S.  
4 Broadway, a very busy intersection, and just 175 feet away from the local Adoram Baptist  
5 Church. The Property has a large courtyard that pedestrians on this busy street walk past at all  
6 hours of the day, and where children who live at the Property play, as evidenced by the many  
7 toys, balls, tricycles, and push cars seen there at any given time. Unfortunately, the courtyard  
8 has become a well-known gang hangout, and is the primary source of the dangerous nuisance  
9 activity described in this action. Over the years, LAPD has fielded numerous reports of gang  
10 members assaulting residents and threatening people at the Property. In one particularly  
11 troubling incident, a gang member assaulted a *seven-year-old boy* at the Property, prompting  
12 the boy's mother to move out of the Property the very same day. Below is a publicly available  
13 Google Maps image of the Property (dated January 2018).



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27         3.       For decades, a violent criminal street gang known as the 112 Broadway  
28 Gangster Crips ("BGC") has claimed the portion of South Los Angeles that includes the  
Property as its gang territory or "turf." BGC has a long and violent history of terrorizing South

1 Los Angeles through murders, shootings, stabbings, violent assaults, robberies, and other  
2 criminal activity. Since at least 2008, BGC has controlled the Property with an iron fist, using it  
3 as a base for their gang activity and creating dangerous conditions for residents and the entire  
4 surrounding community. In recent years, LAPD has documented two drive-by shootings  
5 targeting BGC gang members standing on, or in close proximity to, the Property, resulting in  
6 four people being shot. In one such shooting, a BGC gang member standing just feet from the  
7 Property was shot three times, then crawled his way onto the Property, leaving a trail of blood  
8 behind him, before being found lying in the Property's courtyard.

9 4. BGC gang members regularly congregate in the Property's courtyard in large  
10 numbers – sometimes as many as 25 at a time – carrying firearms, drinking alcohol, using  
11 narcotics, assaulting and intimidating residents, and attracting deadly gang violence. The  
12 danger to residents and the community is heightened by the fact that the gang members at the  
13 Property are often armed. In the past year and a half alone, LAPD has made three arrests of  
14 gang members with firearms at the Property, ranging from handguns to shotguns. To mark  
15 their territory, BGC gang members scrawl and spray-paint gang graffiti on and around the  
16 Property, including on building walls, trash bins, the sidewalk in front of the Property, on trees  
17 outside of the Property gates, and on walls directly across the street from the Property  
18 belonging to a local business.

19 5. Unsurprisingly, the Property has earned a reputation in the community, and  
20 among law enforcement, as being an epicenter of violent gang activity. To police officers at  
21 LAPD's Southeast Division, the Property is infamous for being a high-level threat to both public  
22 and officer safety. To combat crime at the Property, officers regularly conduct extra patrols  
23 around the Property. And when responding to incidents at the Property, officers are often  
24 forced to call for backup due to safety concerns posed by BGC gang members.

25 6. Defendant is a savvy real estate investment firm that owns and operates more  
26 than 25 properties in the City of Los Angeles. In 2013, Defendant purchased the Property for  
27 \$425,000 and has owned it continuously ever since. According to public records, in 2017,  
28 Defendant appears to have pulled equity from the Property, using it as a collateral for a

1 \$830,000 loan. Given Defendant's substantial real estate portfolio and presumable means, it is  
2 unconscionable that Defendant has done so little to address the public nuisance existing at the  
3 Property. In spite of the open, obvious, and dangerous nature of the nuisance, including the  
4 danger to children who play and reside at the Property, Defendant has failed to take even the  
5 most basic steps to secure the Property. The Property gates are open 24/7, allowing BGC  
6 gang members – or anyone else – to come and go as they please at all hours of the day and  
7 night; the Property is poorly lit, making it an attractive place for BGC gang members to  
8 congregate; there are no security guards or security cameras at the Property; BGC gang  
9 graffiti at the Property is allowed to remain up for extended periods of time before it is  
10 removed, if ever; and trash and debris is often scattered throughout the Property, signaling to  
11 gang members that the Property is not closely monitored.

12 7. Notably, Defendant has a history of permitting nuisance activity at its properties.  
13 In October 2016, Plaintiff filed a nuisance abatement action against Defendant and its principal  
14 officer, Mr. Ron Tanzman, for leasing a different property to an illegal marijuana dispensary in  
15 violation of Proposition D.<sup>1</sup> In December 2016, Plaintiff filed criminal charges against  
16 Defendant and Mr. Tanzman for leasing yet another property to an illegal marijuana dispensary  
17 in violation of Proposition D.<sup>2</sup>

18 8. Immediate and substantial action is necessary to abate the longstanding public  
19 nuisance existing at the Property and protect the health and safety of the community before  
20 someone is killed in the crossfire of the guns that are seemingly ever-present. The intent of this  
21 nuisance abatement prosecution is to compel such action as is necessary to bring the entirely  
22 unacceptable state of affairs at the Property to a swift and permanent halt for the benefit of the  
23 community. To that end, this nuisance abatement prosecution seeks an order requiring basic  
24 physical and managerial improvements at the Property, including: improved access control  
25 around the perimeter, increased lighting in the Property's common areas, "No Trespass" signs  
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27 <sup>1</sup> This property is located at 1400 S. Gaffey St., San Pedro, CA 90731, and the action was brought by the  
28 Marijuana Enforcement Unit ("MEU"), a separate unit within the Los Angeles City Attorney's Office.

<sup>2</sup> This property is located at 9200 S. Broadway, Los Angeles, CA 90003, and the action was also brought by MEU.  
9200 S. Broadway is less than one mile from the Property at issue here.

1 posted throughout the Property, prompt removal of gang graffiti, internet-connected video  
2 cameras in the common areas with remote access for LAPD, security guards, and the  
3 retention of a third-party on-site property management company to oversee the implementation  
4 and maintenance of the above improvements.

## 5 II. THE PARTIES AND THE PROPERTY

### 6 A. Plaintiff

7 9. Plaintiff, the People, is the sovereign power of the State of California authorized  
8 in California Code of Civil Procedure section 731 to bring actions to abate public nuisances. In  
9 addition, because the City of Los Angeles has a population in excess of 750,000, California  
10 Business and Professions Code section 17204 authorizes Plaintiff, the People, to prosecute  
11 actions for relief under California Business and Professions Code section 17200, *et seq.* for  
12 unfair competition.

### 13 B. Defendant

14 10. Defendant Executive Investments, Inc. is a corporation established in the State of  
15 California. Defendant owns at least 25 other rental properties in the City of Los Angeles. Since  
16 purchasing the Property in 2013, Defendant has been unwilling to implement even the most  
17 basic security measures (e.g., functional locks on gates) to abate the nuisance activity there.  
18 Defendant's unwillingness to reasonably manage the Property has permitted the existence of a  
19 dangerous public nuisance at the Property.

20 11. The true names and capacities of defendants sued herein as DOES 1 through  
21 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious  
22 names. When the true names and capacities of said defendants have been ascertained,  
23 Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such fictitious  
24 names the true names and capacities of said fictitiously named defendants.

### 25 C. The Property

26 12. The Property is an 8-unit apartment building located in South Los Angeles. The  
27 Property's common address is 10500 S. Broadway, Los Angeles, CA 90003. The Property's  
28 Los Angeles County Assessor Parcel Number ("APN") is 6074006009 and its legal description

1 is as follows: Lot 245 of Tract No. 3064, in the City of Los Angeles, County of Los Angeles,  
2 State of California, as per map recorded in Book 36, Pages 1 and 2 of Maps, in the Office of  
3 the County Recorder of said county.

4 **III. THE PUBLIC NUISANCE LAW**

5 13. "Abatement of nuisances is a long established and well recognized exercise of  
6 the state's police power." (*People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563;  
7 *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-778.) Civil Code section 3479  
8 defines a nuisance as "[a]nything which is injurious to health, including, but not limited to, the  
9 illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction  
10 to the free use of property, so as to interfere with the comfortable enjoyment of life or  
11 property . . . ." (*Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in  
12 general terms the word 'nuisance' in Civil Code section 3479"].)

13 14. Civil Code section 3480 defines a public nuisance as "one which affects at the  
14 same time an entire community or neighborhood, or any considerable number of persons,  
15 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

16 15. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs, and  
17 boisterous conduct which creates a hooligan-like "atmosphere" constitutes a public nuisance.  
18 (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

19 16. Under Civil Code section 3491, "The remedies against a public nuisance are:  
20 1. Indictment or information; 2. A civil action; or, 3. Abatement." "An abatement of a nuisance is  
21 accomplished by a court of equity by means of an injunction proper and suitable to the facts of  
22 each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

23 17. A successive owner of a property is liable for a continuing nuisance at the  
24 property that started under a former owner, if the successive owner neglects to abate the  
25 nuisance. (Cal. Civ. Code, § 3483.) Moreover, a repetitive pattern of nuisance activity that  
26 began under a former owner will be presumed to continue, repeat, and recur under a  
27 subsequent owner. (See Cal. Civ. Code, § 3547 ["A thing continues to exist as long as is usual  
28 with things of that nature."].)

1           18.     Code of Civil Procedure section 731 authorizes a city attorney to bring an action  
2 to enjoin or abate a public nuisance. It provides, in pertinent part, "A civil action may be  
3 brought in the name of the people of the State of California to abate a public nuisance . . . by  
4 the city attorney of any town or city in which the nuisance exists." (*Ibid.*)

5                               **IV.     THE UNFAIR COMPETITION LAW**

6           19.     The UCL, at Business and Professions Code section 17200 *et seq.*, forbids any  
7 business practices otherwise forbidden by law, be it criminal, federal, state, municipal,  
8 statutory, regulatory, or court-made. As the California Supreme Court has explained, the UCL  
9 "'borrows' violations of other laws and treats them as unlawful practices independently  
10 actionable under section 17200 *et seq.*" (*Hewlett v. Squaw Valley Ski Corp.* [(1997)] 54 Cal.  
11 App. 4th [499,] 531-532, citing *Saunders v. Superior Court* [(1994)] 27 Cal. App. 4th [832,] 838-  
12 839[.])" (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861,  
13 880.)

14           20.     As proscribed by the UCL, "[a]n 'unlawful business activity' includes 'anything  
15 that can properly be called a business practice and that at the same time is forbidden by law.'"  
16 [Citation.]" (*People v. McKale* (1979) 25 Cal.3d 626, 632.) The ownership and operation of a  
17 large rental apartment complex, such as the Property, by sophisticated nonresident owners  
18 and managers doing so for the purposes of profit, is, axiomatically, a business under the UCL.  
19 (*People ex rel. City of Santa Monica v. Gabriel* (2010) 186 Cal.App.4th 882, 888 ["The renting  
20 of residential housing is a business"].) Thus, when a property owner conducts, maintains, or  
21 permits a nuisance that is unlawful under the PNL to exist on the premises of such a business,  
22 it is a violation of the UCL. (See *City and County of San Francisco v. Sainez* (2000) 77  
23 Cal.App.4th 1302, 1305-1308 [affirming UCL penalties for building code violations at multi-unit  
24 rental property].) Defendant, who owns and operates at least 25 other rental properties in the  
25 City of Los Angeles, is the quintessential sophisticated, nonresident owner operating the  
26 Property for profit.

27           21.     Moreover, the UCL casts a broad net. "Any person who engages, has engaged,  
28 or proposes to engage in unfair competition may be enjoined in any court of competent

jurisdiction.” (Bus. & Prof. Code, § 17203.) The term person includes “natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons.” (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200’s net beyond direct liability to include common law doctrines of secondary liability where the liability of each defendant is predicated on his or her personal participation in the unlawful practices. (*People v. Toomey* (1984) 157 Cal.App.3d 1, 14-15.)

22. Civil actions under the UCL may be brought in the name of the People of the State of California by any city attorney of a city having a population in excess of 750,000 (Bus. & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to section 17200 based on violations of its own municipal code, state law, or other local ordinance. (See *People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

23. Parties engaging in violations of the UCL may be enjoined in any court of competent jurisdiction. (Bus. & Prof. Code, § 17203.) A court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practice constituting unfair competition. (*Ibid.*)

### **FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

**[Civil Code section 3479, et seq. –**

**Against Defendant and DOES 1 through 50]**

24. Plaintiff incorporates by reference Paragraphs 1 through 23 of this complaint and makes them part of this First Cause of Action as though fully set forth herein.

25. Since 2013, Defendant and DOES 1 through 50 have owned, operated, managed, and used, and/or directly or indirectly permitted to be occupied and used, the Property in such a manner as to constitute a public nuisance in accordance with Civil Code sections 3479 and 3480. The public nuisance, as described herein, is injurious to health, indecent or offensive to the senses, and/or an obstruction to the free use of property, so as to substantially and unreasonably interfere with the comfortable enjoyment of life or property by those persons living on the Property and in the surrounding community. The public nuisance



1 consists of, but is not limited to, the regular, menacing, intimidating, violent, and disorderly  
2 presence of resident and non-resident gang members and/or associates at the Property; the  
3 occurrence of gunfire on the Property, including gunfire that has resulted in serious injury to  
4 persons on and around the Property; the occurrence of violent crimes on the Property; and the  
5 tendency of the Property to attract gunfire from rival gangs because of the historical and  
6 current presence of gang members at the Property.

7 26. Defendant, who owns and controls the Property, and DOES 1 through 50, knew  
8 or should have known about the nuisance activity at the Property and failed to take reasonable  
9 steps to prevent or abate the ongoing nuisance, and as a result of this failure and their  
10 mismanagement of the Property, they have caused and/or contributed to a serious threat to  
11 the general health, safety, and welfare of the law-abiding tenants at the Property and persons  
12 in the surrounding community.

13 27. Unless Defendant, and DOES 1 through 50, are restrained and enjoined by order  
14 of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit,  
15 directly or indirectly, the use, occupation, and maintenance of the Property, together with the  
16 fixtures and appurtenances located therein, for the purpose complained of herein, to the great  
17 and irreparable damage of Plaintiff and in violation of California law.

18 **SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION**

19 **[Business and Professions Code section 17200, *et seq.* –**

20 **Against Defendant and DOES 1 through 50]**

21 28. Plaintiff hereby incorporates by reference paragraphs 1 through 27 of this  
22 Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

23 29. Ownership and operation of the Property is a business. When the owner and/or  
24 manager of such a business violates the PNL such that a nuisance exists and flourishes at the  
25 business's premises, as alleged herein, it is also a violation of the UCL.

26 30. Defendant and DOES 1 through 50 have violated the UCL by conducting,  
27 maintaining, and/or permitting, directly or indirectly, a nuisance in violation of the PNL at the  
28 Property, as alleged herein.

31. Plaintiff has no adequate remedy at law, and unless Defendant and DOES 1 through 50 are restrained by this Court they will continue to commit unlawful business practices or acts, thereby causing irreparable injury and harm to the public's welfare.

## PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE, AND DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION

32. That the Property, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and be permanently abated as such in accordance with Civil Code section 3491.

33. That Defendant and its agents, officers, employees, and anyone acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property as a public nuisance. Such orders should include, but not be limited to, physical and managerial improvements to the Property including: improved access control around the perimeter, increased lighting in the Property's common areas, "No Trespass" signs posted throughout the Property, prompt removal of gang graffiti, internet-connected video cameras with remote access for LAPD, security guards, and the retention of a third-party on-site property management company to oversee the implementation and maintenance of the above improvements.

34. That Plaintiff be awarded such costs as may occur in abating said nuisance at the Property and such other costs as the Court may deem just and proper.

35. That Plaintiff be granted such other and further relief as the Court deems just and proper.

AS TO THE SECOND CAUSE OF ACTION

36. That Defendant be declared in violation of Business and Professions Code section 17200.

37. That Defendant, as well as its agents, heirs, successors, and anyone acting on

1 their behalf, be permanently enjoined from maintaining, operating, or permitting any unlawful or  
2 unfair business acts or practices in violation of Business and Professions Code section 17200.

3 38. That the Court grant a preliminary and/or permanent injunction prohibiting  
4 Defendant, as well as their agents, heirs, successors, and anyone acting on their behalf, from  
5 engaging in the unlawful or unfair acts and/or practices described herein at the Property and in  
6 the City of Los Angeles. Such orders should include physical and managerial improvements to  
7 the Property.

8 39. That, pursuant to Business and Professions Code section 17206, Defendant be  
9 assessed a civil penalty of \$2,500 for each and every act of unfair competition. Since  
10 Defendant has engaged in a continuing nuisance, each day constitutes an act of unfair  
11 competition and Defendant should be assessed a civil penalty not to exceed \$3.65 million  
12 dollars.

13 40. That, pursuant to the Court's equitable power and Business and Professions  
14 Code section 17203, the Court make such orders or judgments, including appointment of a  
15 receiver, to eliminate the unfair competition alleged herein.

16 AS TO ALL CAUSES OF ACTION

17 41. That Plaintiff recover the amount of the filing fees and the amount of the fee for  
18 the service of process or notices which would have been paid but for Government Code  
19 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the  
20 amount of the fees for certifying and preparing transcripts.

21 42. That Plaintiff be granted such other and further relief as the Court deems just and  
22 proper.  
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1 DATED: October 12, 2018

Respectfully submitted,

2 MICHAEL N. FEUER, City Attorney

3 JONATHAN CRISTALL, Supervising Assistant City Attorney

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6 By: 

7 JOSEPH L. GONZALEZ, Deputy City Attorney  
8 Attorneys for Plaintiff, THE PEOPLE OF THE STATE  
9 OF CALIFORNIA  
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